

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMANUEL ZARCO,

Plaintiff,

v.

VWR INTERNATIONAL, LLC, et al.,

Defendants.

Case No. [20-cv-00089-HSG](#)

**ORDER DIRECTING
SUPPLEMENTAL BRIEFING**

Re: Dkt. No. 60

On June 7, 2021, Plaintiff filed a motion to strike Defendants' memorandum of costs. Dkt. No. 60. Defendants, in turn, filed an opposition to Plaintiff's motion to strike on June 11, 2021, Dkt. No. 61, to which Plaintiff replied on June 28, 2021, Dkt. No. 62.

The parties are DIRECTED to submit by November 2, 2021 simultaneous supplemental briefs of no more than four pages addressing whether the Court should exercise its discretion to deny costs to Defendants under Federal Rule of Civil Procedure 54(d). The parties should address, at a minimum, the five "good reasons" for declining to award costs articulated by the Ninth Circuit in *Escriba v. Foster Poultry Farms, Inc.*, 743 F.3d 1236, 1247-48 (2014): (1) the substantial public importance of the case, (2) the closeness and difficulty of the issues in the case, (3) the chilling effect on future similar actions, (4) the plaintiff's limited financial resources, and (5) the economic disparity between the parties. The parties may also submit with their supplemental briefing any declarations or other relevant evidence, such as proof of income.

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1 The briefs must not repeat arguments made in the parties' prior filings, and must instead
2 focus solely on the application of the factors detailed in *Escriba* and any other factors bearing on
3 the Court's exercise of its discretion. No further responsive briefs are permitted, and the matter
4 will stand submitted on November 2 once the parties file their simultaneous briefs.

5 **IT IS SO ORDERED.**

6 Dated: 10/26/2021

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8 HAYWOOD S. GILLIAM, JR.
9 United States District Judge
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